

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO: 11614 OF 2021



Between:

1. B.Nagabhushana Naik, S/o Ramachandra Naik, Aged about 44 years, Occ:Junior Engineer, O/o Operation Sub-Division Rurals/Nellore, APSPDCL, Kotamitta, Nellore, S.P.S.R Nellore District 524001.
2. G.Raja Kumar, S/o Bhaskar, Aged about 41 years, Occ:Junior Engineer, O/o.Assistant Engineer, Operation/Mydukur, APSPDCL, Mydukur, Y.S.R Kadapa District 516172.

Petitioners

AND

1. The Southern Power Distribution Company of A.P. Limited (APSPDCL) Corporate Office, Kesavayanagunta, Tirupathi, Chittoor District-517501, Rep. by its Chairman and Managing Director
2. The Transmission Corporation of Andhra Pradesh Limited (APTRANSCO), Vidyut Soudha, Eluru Road, Gunadala, Vijayawada-500082. Rep. by its Chairman and Managing Director
3. The Chief General Manager/HRD, The Southern Power Distribution Company of A.P. Limited (APSPDCL) Corporate Office, Kesavayanagunta, Tirupathi, Chittoor District-517501
4. The Superintending Engineer, Operation/Nellore, APSPDCL, Vidyuth Bavan, A.K.Nagar, SPSR Nellore District - 524001
5. The Superintendent Engineer, Operation Circle Kadapa, AP SPDCL, Yerramukkapalli, Railway Station Road, Kadapa, District.- 516001.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to declare the procedure followed by the Respondent No.1 and 3 in preparing the integrated Seniority/Eligibility List of Junior Engineers (previously Sub-Engineers) to effect the appointments to the post of Assistant Engineer in contrary to the Annexure-I of Part-III, Regulation 26 in Part II of Andhra Pradesh State Electricity Board Regulations and the judgment of the Hon'ble Supreme Court in Ganga VishanGujrati and Others v. State of Rajasthan and Others (2019) 16 SCC 28 as illegal, arbitrary, high-handed, violative of Articles 14 and 16 of Constitution of India and consequently to direct the Respondent No.1 and 3 to prepare the Integrated Seniority/Eligibility List to effect the appointments for the post of Assistant Engineer by determining the Seniority/Eligibility from the date of initial entry into the post of Junior Engineers (previously Sub-Engineers);

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent No.1 and 3 to communicate the integrated Seniority/Eligibility list prepared in accordance with Regulation 26 in Part-II of the Andhra Pradesh State Electricity Board Service Regulations to the individuals, whenever the Respondent No. 1 and 3 wish to effect the appointments to the post of Assistant Engineer on any emergency grounds or administrative exigencies, on any basis i.e. Temporary/Adhoc/ in-charge

arrangements/Alternative arrangements/stop gap or on any other basis, pending disposal of the Writ Petition No.11614 of 2021, on the file of the High Court.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all the appointments made in pursuant to the eligibility list vide memo No.CMD/CGM(HRD)/JS(HR)/GM(HR-II)/DGM-P/PO-P/A1/D.No. 387/21, dated 17-09-2021, pending disposal of the above Writ Petition No. 11614 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.G.ARUN SHOWRI Advocate for the Petitioners and of Sri Y.Gowtham representing Sri.Y.Nagi Reddy, Standing Counsel for APTRANSCO for the Respondents, the Court made the following.

ORDER:

Sri Y.Gowtham representing Sri Y.Nagi Reddy submits that the grievance of the petitioner is that the order dated 20.09.2021 has been flouted. He points out that only an eligibility list is prepared and temporary ad hoc promotions are being issued in view of the exigencies of service for the respondents. He points out that in WP.No.24302 of 2016, when a similar situation arose, learned single Judge held that pending finalization of the seniority list, making of interim arrangement of giving ad hoc promotions or making in charge arrangements cannot be stopped.

Learned counsel Sri Y.Gowtham submits that all the appointments relied upon by the learned counsel for the petitioner are ad hoc appointments only.

At this stage, considering issues being raised, this Court is of the opinion that a piecemeal hearing cannot take place.

As counter is filed, Sri Arun Showri seeks time to file rejoinder.

It is made clear that any appointments ad hoc or otherwise will be subject to the final orders of this writ petition.

List the writ petition itself for hearing on 27.10.2021.

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER
For Assistant Registrar

To,

1. The Chairman and Managing Director, Southern Power Distribution Company of A.P. Limited (APSPDCL) Corporate Office, Kesavayanagunta, Tirupathi, Chittoor District-517501.
2. The Chairman and Managing Director, Transmission Corporation of Andhra Pradesh Limited (APTRANSCO), Vidyut Soudha, Eluru Road, Gunadala, Vijayawada-500082.
3. The Chief General Manager/HRD, The Southern Power Distribution Company of A.P. Limited (APSPDCL) Corporate Office, Kesavayanagunta, Tirupathi, Chittoor District-517501
4. The Superintending Engineer, Operation/Nellore, APSPDCL, Vidyuth Bavan, A.K.Nagar, SPSR Nellore District - 524001
5. The Superintendent Engineer, Operation Circle Kadapa, AP SPDCL, Yerramukkapalli, Railway Station Road, Kadapa, District.- 516001 (1 to 5 by RPAD)
6. One CC to SRI.G.ARUN SHOWRI Advocate [OPUC]
7. One CC to SRI.Y.NAGI REDDY, STANDING COUNSEL FOR APTRANSCO [OPUC]
8. One spare copy

SRL

HIGH COURT

DVSSJ

DATED:29/09/2021

NOTE: LIST THE WRIT PETITION ITSELF FOR HEARING ON 27.10.2021

ORDER

WP.No.11614 of 2021

DIRECTION

